

6-26-01
1

f-STND CLOSED

U.S. District Court
U.S. District Court of Eastern Pennsylvania (Philadelphia)

CIVIL DOCKET FOR CASE #: 01-CV-2151

WILKINSON, et al v. NORFOLK SOUTHERN COR, et al Filed: 05/02/01
Assigned to: JUDGE EDUARDO C. ROBRENO Jury demand: Both
Demand: \$0,000 Nature of Suit: 330
Lead Docket: None Jurisdiction: Federal Question
Dkt# in other court: None

Cause: 45:51 Railways: Fed. Employer's Liability Act

TERRY BOYD WILKINSON
PLAINTIFF

JOSEPH A. COFFEY, JR.
[COR LD NTC]
COFFEY & KAYE
TWO BALA PLAZA
STE. 718
BALA CYNWYD, PA 19004
USA
TEL 610-668-9800

FILED
SCRANTON
JUN 25 2001

SHARON WILKINSON, HUSBAND AND
WIFE
PLAINTIFF

JOSEPH A. COFFEY, JR. PER
(See above)
[COR LD NTC]

DEPUTY CLERK

v.

1: CV 01-114

NORFOLK SOUTHERN CORPORATION
t/a
NORFOLK & WESTERN RAILWAY
COMPANY
DEFENDANT

RICHARD K. HOHN
FAX 215-496-9997
[COR LD NTC]
HOHN & SCHEUERLE
ELEVEN PENN CENTER
1835 MARKET STREET
SUITE 2901
PHILADELPHIA, PA 19103
USA
TEL 215-496-9995

CONSOLIDATED RAIL CORPORATION
DEFENDANT

RICHARD K. HOHN
(See above)
[COR LD NTC]

Proceedings include all events.

f-STND

2:01cv2151 WILKINSON, et al v. NORFOLK SOUTHERN COR, et al CLOSED

5/2/01 1 Complaint. filing fee \$ 150 receipt # 760495 (tj)
[Entry date 05/02/01]

5/2/01 -- Summons(es) 2 issued. Mailed to counsel on 5/2/01. (tj)
[Entry date 05/02/01]

5/2/01 -- Demand for jury trial by PLAINTIFF TERRY BOYD WILKINSON,
PLAINTIFF SHARON WILKINSON. (tj) [Entry date 05/02/01]

5/2/01 -- Standard Case Management Track. (tj) [Entry date 05/02/01]

5/9/01 2 Affidavit of: G. Catalano re: served summons and complaint
upon DEFENDANT NORFOLK SOUTHERN COR . Served by: personal
service on 5/4/01 . (ph) [Entry date 05/09/01]

5/9/01 3 Affidavit of: G. Catalano re: served summons and complaint
upon DEFENDANT CONSOLIDATED RAIL . Served by: personal
service on 5/4/01 . (ph) [Entry date 05/09/01]

5/15/01 4 Appearance of RICHARD K. HOHN for DEFENDANT NORFOLK
SOUTHERN CORPORATION, DEFENDANT CONSOLIDATED RAIL; jury
demand. (mbh) [Entry date 05/16/01]

6/1/01 5 STIPULATION AND ORDER, RESET ANSWER DUE FOR 6/30/01 FOR
CONSOLIDATED RAIL, NORFOLK SOUTHERN COR (SIGNED BY JUDGE
EDUARDO C. ROBRENO) 6/1/01 ENTERED AND COPIES MAILED (ph)
[Entry date 06/01/01]

6/18/01 6 STIPULATION AND ORDER THAT THE ABOVE CAPTIONED MATTER IS
TRANSFERRED TO THE MIDDLE DISTRICT OF PA. (SIGNED BY JUDGE
EDUARDO C. ROBRENO) 6/19/01 ENTERED AND COPIES MAILED AND
FAXED. (fb) [Entry date 06/19/01]

6/18/01 -- Case closed (kv) [Entry date 06/21/01]

6/21/01 -- Original record together with certified copy of docket
entries forwarded to the U.S.District Court for the Middle
District of PA. (fb) [Entry date 06/21/01]

ER

\$150.00

1

FILED

COFFEY & KAYE
BY: JOSEPH A. COFFEY, JR., ESQUIRE
IDENTIFICATION NO. 14107
Suite 718, Two Bala Plaza
Bala Cynwyd, PA 19004
(610) 668-9800

MICHAEL E. KUNZ, Clerk
By [Signature] - Dep. Clerk

Attorneys For: Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TERRY BOYD WILKINSON and
SHARON WILKINSON, husband and wife
Plaintiff

CIVIL ACTION

vs.

NORFOLK SOUTHERN CORPORATION, t/a
NORFOLK & WESTERN RAILWAY
COMPANY

JURY TRIAL DEMANDED

and
CONSOLIDATED RAIL CORPORATION

Defendants

NO. 01W2151

COMPLAINT

COUNT I. - FELA

Terry Boyd Wilkinson v. Norfolk Southern Corporation t/a Norfolk & Western Railway Company and Consolidated Rail Corporation

1. The plaintiff herein is Terry Boyd Wilkinson, a citizen and resident of the Commonwealth of Pennsylvania, residing therein at R.D. #1, Box 485, Landisburg.

2. This action arises under the Act of Congress, April 22, 1908, c. 149, 35 Stat. 65, and amendments thereto, U.S.C.A. Title 45, §51 et seq., and further amended by the Act of Congress, approved by the President of the United States on August 11, 1939, Chapter 685 -

(2)
5-2-01

First Session of the 76th Congress, known and cited as "The Federal Employers' Liability Act" and under "The Federal Safety Appliances Act," Title 49, U.S.C.A., §§20301, et seq., and "The Federal Boiler Inspection Act," Title 49 U.S.C.A., §§20701, et seq.

3. The defendant, Norfolk Southern Corporation t/a Norfolk & Western Railway Company, is a corporation duly organized and existing under and by virtue of the laws of one or more states of the United States of America and does business in the Eastern District of Pennsylvania.

4. The defendant, Consolidated Rail Corporation, is a corporation duly organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania and does business in the Eastern District of Pennsylvania.

5. At the time and place hereinafter mentioned and for a long time prior thereto, the defendants, as common carriers, operated trains carrying passengers, freight, express packages, baggage and foreign and domestic mail, in commerce, between the different states of the United States and their territories.

6. At the time and place hereinafter mentioned, the acts of omission and commission, causing the injuries to the plaintiff, were done by the defendants, their agents, servants, workmen and/or employees, acting in the course and scope of their employment with and under the control of the defendants.

7. At the time and place hereinafter mentioned, the plaintiff and the defendants were engaged in interstate commerce between the different states of the United States and their territories.

8. All of the property, equipment and operations involved in the accident herein referred to were owned by and under the control of the defendants, their agents, servants, workmen and/or employees.

9. As a result of the accident herein referred to, plaintiff has suffered a loss and impairment of earnings and earning power and will suffer the same for an indefinite time in the future; has undergone great physical pain and mental anguish and will undergo the same for an indefinite time in the future; has been obliged to and will have to continue to expend large sums of money in the future in an effort to effect a cure of his aforesaid injuries; has been unable to attend to his usual duties and occupation and will be unable to attend to the same for an indefinite time in the future, all to his great detriment and loss.

10. The accident herein referred to was caused solely and exclusively by the negligence of the defendants, their agents, servants, workmen and/or employees, and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

11. On or about June 15, 1999, at or about 4:15 a.m., and for some time prior thereto, plaintiff was employed by the defendants, Norfolk Southern Corporation and/or Consolidated Rail Corporation, and/or GPS Technical Services, Inc. of Bethlehem, Pennsylvania.

12. On the aforementioned date and at the aforementioned time, GPS Technical Services, Inc. had a contract with Norfolk Southern Corporation and/or Consolidated Rail Corporation whereby GPS provided employees and services to the aforementioned railroads at their Harrisburg Intermodal Yard, in or near Harrisburg, Pennsylvania.

13. On the aforementioned date and at the aforementioned time, the defendant-railroads, Norfolk Southern Corporation and Consolidated Rail Corporation, strictly supervised, regulated, oversaw, coordinated, and controlled the activities of the plaintiff and the other GPS employees.

14. At all times material hereto, plaintiff and his co-workers were under the strict supervision of Norfolk Southern Corporation and/or Consolidated Rail Corporation and their supervisory employees and personnel.

15. On the aforementioned date and at the aforementioned time, while working under the supervision and control of the defendants' employees, plaintiff was assigned to unload piggy-back trailers from railroad flat cars.

16. On the aforementioned date and at the aforementioned time, plaintiff was using an approximately 33" bar to open or undo a trailer hitch as part of the process of removing the trailers from the railroad cars.

17. On the aforementioned date and at the aforementioned time, as a result of the negligence of the defendants, jointly and severally, individually and/or through their agents, servants, workmen and/or employees, said trailer hitch did not operate properly, causing the bar to separate from the female receptacle on the trailer, and causing the plaintiff to be propelled backwards.

18. The aforementioned trailer hitch, its mechanisms, and its latch, failed to operate properly as a result of the joint and several negligence of the defendants, individually and/or through their agents, servants, workmen and/or employees.

19. The aforementioned bar was caused to separate from the female receptacle on the trailer as a result of the joint and several negligence of the defendants, individually and/or through their agents, servants, workmen and/or employees.

20. As plaintiff was propelled backwards, in an attempt to stop his backward momentum and to stop is falling off of the railroad car, he grabbed a wheel plate and felt sudden and severe pain in his upper back, and his right shoulder radiating throughout his arm and hand.

21. As a result of the aforementioned accident, plaintiff sustained the serious painful and permanent personal injuries more particularly hereinafter set forth.

22. The aforesaid accident was caused by the negligence of the defendants, their agents, servants, workmen and/or employees, and by the defendants's violation of "The Federal

Employers' Liability Act," "The Federal Safety Appliances Act" and "The Federal Boiler Inspection Act," and was due in no manner whatsoever to any act or failure to act on the part of the plaintiff.

23. As a result of the aforesaid accident, plaintiff sustained injuries to his body, including but at this time not limited to, its bones, cells, tissues, nerves, muscles and functions. Plaintiff sustained injury to his right shoulder; synovitis of the supraspinatus tendon of the right shoulder; tendinitis involving the biceps tendon; anterior instability of right shoulder with labral tear; subacromial bursitis. Some or all of the above injuries are or may be permanent in nature. The full extent of plaintiff's injuries are not presently known.

COUNT II. - Common Law Negligence

Terry Boyd Wilkinson and Sharon Wilkinson, husband and wife v. Norfolk Southern Corporation t/a Norfolk & Western Ry. Co.

24. Plaintiffs, Terry Boyd Wilkinson and Sharon Wilkinson, are husband and wife and citizens and residents of the Commonwealth of Pennsylvania, residing therein at R.D. #1, Box 485, Landisburg.

25. Defendant, Norfolk Southern Corporation t/a Norfolk & Western Railway Company, is a corporation duly organized and existing under and by virtue of the laws of the State of Virginia, with a principal place of business in a state other than Pennsylvania, that does business in the Eastern District of Pennsylvania.

26. Jurisdiction is founded upon diversity of citizenship and the amount in controversy is in excess of One Hundred Fifty Thousand Dollars (\$150,000.00), exclusive of costs and interest.

27. All the acts alleged to have been done or not to have been done by the defendant were done or not done by its respective agents, servants, workmen and/or employees, acting in the course and scope of their employment for and on behalf of said defendant.

28. At all times material herein defendant, Norfolk Southern Corporation t/a Norfolk & Western Railway Company, owned a certain railroad flat car, piggy-back trailer, and/or trailer hitch.

29. At all times material herein defendant, Norfolk Southern Corporation t/a Norfolk & Western Railway Company, possessed a certain railroad flat car, piggy-back trailer, and/or trailer hitch.

30. At all times material herein defendant, Norfolk Southern Corporation t/a Norfolk & Western Railway Company, maintained a certain railroad flat car, piggy-back trailer, and/or trailer hitch.

31. At all times material herein defendant, Norfolk Southern Corporation t/a Norfolk & Western Railway Company, operated a certain railroad flat car, piggy-back trailer, and/or trailer hitch.

32. At all times material herein defendant, Norfolk Southern Corporation t/a Norfolk & Western Railway Company, controlled a certain railroad flat car, piggy-back trailer, and/or trailer hitch.

33. At all times material herein defendant, Norfolk Southern Corporation t/a Norfolk & Western Railway Company, leased a certain railroad flat car, piggy-back trailer, and/or trailer hitch.

34. On the aforementioned date and at the aforementioned time, plaintiff was using an approximately 33" bar to open or undo a trailer hitch as part of the process of removing the trailers from the railroad cars.

35. The aforementioned trailer hitch, its mechanisms, and its latch, failed to operate properly as a result of the negligence of the defendant, individually and/or through their agents, servants, workmen and/or employees.

36. The aforementioned bar was caused to separate from the female receptacle on the trailer as a result of the negligence of the defendant, individually and/or through their agents, servants, workmen and/or employees.

37. As plaintiff was propelled backwards, in an attempt to stop his backward momentum and to stop is falling off of the railroad car, he grabbed a wheel plate and felt sudden and severe pain in his upper back, and his right shoulder radiating throughout his arm and hand.

38. As a result of the aforementioned accident, plaintiff sustained the serious painful and permanent personal injuries more particularly hereinafter set forth.

39. As a result of the aforesaid accident, plaintiff sustained injuries to his body, including but at this time not limited to, its bones, cells, tissues, nerves, muscles and functions. Plaintiff sustained injury to his right shoulder; synovitis of the supraspinatus tendon of the right shoulder; tendinitis involving the biceps tendon; anterior instability of right shoulder with labral tear; subacromial bursitis. Some or all of the above injuries are or may be permanent in nature. The full extent of plaintiff's injuries are not presently known.

WHEREFORE, plaintiff claims of the defendants, jointly and severally, upon each Count for a sum in excess of One Hundred Fifty Thousand Dollars (\$150,000.00).

COFFEY & KAYE

BY: 

JOSEPH A. COFFEY, JR.
Counsel for Plaintiff

JS 44
(Rev. 07/89)

CIVIL COVER SHEET

01CW2151

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I (a) PLAINTIFFS

TERRY BOYD WILKINSON and
SHARON WILKINSON H?W
R.D.#1, Box 485
Landisburg, PA

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

42099

DEFENDANTS

Consolidated Rail Corporation
Law Department, 16-A
Two Commerce Square
2001 Market Street, P.O. Box 41416
Philadelphia, PA 19101-1416

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT (see attachment)
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Coffey & Kaye
Suite 718, Two Bala Plaza
Bala Cynwyd, PA 19004
(610) 668-9800

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN X IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff

☒ 3 Federal Question
(U.S. Government Not a Party)

☐ 2 U.S. Government Defendant

☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

PTF DEF
Citizen of This State ☐ 1 ☐ 1
Citizen of Another State ☐ 2 ☐ 2
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3

PTF DEF
Incorporated or Principal Place of Business in This State ☐ 4 ☐ 4
Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
Foreign Nation ☐ 6 ☐ 6

IV. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY: On 6/15/99, plaintiff sustained personal injuries in the course of his employment with Conrail. This action is brought under inter alia, "The Federal Employers' Liability Act" 45 U.S.C. Sec. 51, et

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input checked="" type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal <input type="checkbox"/> 28 USC 158 <input type="checkbox"/> 423 Withdrawal <input type="checkbox"/> 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395f) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights			

VI. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding

☐ 2 Removed from State Court

☐ 3 Remanded from Appellate Court

☐ 4 Reinstated or Reopened

Transferred from another district (specify)

☐ 6 Multidistrict Litigation

☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION
☐ UNDER F.R.C.P. 23

DEMAND \$in excess of \$150,000 YES only if demanded in complaint:
JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE 5/1/01

SIGNATURE OF ATTORNEY OF RECORD

Joseph A. Coffey, JR.

MAY 02 2001

NORFOLK SOUTHERN CORPORATION t/a
NORFOLK & WESTERN RAILWAY COMPANY
500 Office Center Drive, Suite 190
Fort Washington, PA 19034

UNITED STATES DISTRICT COURT

01CW2151

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: R.D.#1, Box 485, Landisburg, PA

Address of Defendant: N&S 201 Office Ctr. Dr., Suite 190, Fort Washington, PA 19034

Place of Accident, Incident or Transaction: Conrail - 2001 Market Street, Philadelphia, PA 19101

Bethlehem, PA
(Use Reverse Side For Additional Space)

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☒ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases
(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
Common Law
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
(Please specify)

ARBITRATION CERTIFICATION

(Check appropriate Category)

I, Joseph A. Coffey, Jr., counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 5/1/01

Joseph A. Coffey, Jr. 14107
Attorney-at-Law Joseph A. Coffey, Jr. Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/1/01

MAY 02 2001

Joseph A. Coffey, Jr. 14107
Attorney-at-Law Joseph A. Coffey, Jr. Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

ER

TERRY BOYD WILKINSON AND SHARON
WILKINSON H?W

v.

N

NORFOLK SOUTHERN CORPORATIO
and CONSOLIDATED RAIL CORPORATION

CIVIL ACTION

NO. 01W2151

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus -- Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security -- Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration -- Cases required to be designated for arbitration under Local Civil Rule 8. ()
- (d) Asbestos -- Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management -- Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management -- Cases that do not fall into any one of the other tracks. (X)

5/1/01
(Date)

Joseph A. Coffey, Jr.
Attorney-at-law
JOSEPH A. COFFEY, JR.

MAY 02 2001

Attorney for

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

TERRY BOYD WILKINSON

MAY 9 2001

CIVIL ACTION

vs.

By MICHAEL E. KUNZ, Clerk
Dep. Clerk

NORFOLK SOUTHERN CORPORATION

NO. 01-2151

AFFIDAVIT OF SERVICE:

COMMONWEALTH OF PENNSYLVANIA

:
: ss.

COUNTY OF MONTGOMERY

Gennaro J. Catalano, being duly sworn according to law, deposes and says that he/she is process server herein named, and that the facts herein set forth above are true and correct to the best of his knowledge, information and belief, served the following defendant the Summons in a Civil Action, Complaint, as follows:

Served and made known to Norfolk Southern Corporation (accepted by Carolyn Narcisi, authorized agent) on the 4th day of May, 2001, at 2:55 p.m. o'clock at 500 Office Center Drive, Suite 101, Fort Washington, PA 19034.

Gennaro J. Catalano
Gennaro J. Catalano

Sworn to and subscribed
before me this 8th
day of May, 2001.

Danielle Bradley

ER

3

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FILED

TERRY BOYD WILKINSON

MAY 9 2001

CIVIL ACTION

vs.

MICHAEL E. KONZ, Clerk

CONSOLIDATED RAIL CORPORATION

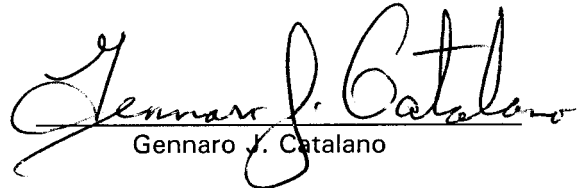
NO. 01-2151

AFFIDAVIT OF SERVICE:

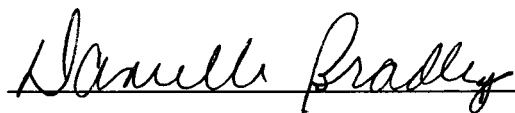
COMMONWEALTH OF PENNSYLVANIA :
COUNTY OF MONTGOMERY : SS.

Gennaro J. Catalano, being duly sworn according to law, deposes and says that he/she is process server herein named, and that the facts herein set forth above are true and correct to the best of his knowledge, information and belief, served the following defendant the Summons in a Civil Action, Complaint as follows:

Served and made known to Consolidated Rail Corporation (accepted by Joe Rogers, authorized agent) on the 4th day of May, 2001, at 2:05 p.m. o'clock at Conrail Law Department, Two Commerce Square, 2001 Market Street, 16th Floor, Philadelphia, Pennsylvania.


Gennaro J. Catalano

Sworn to and subscribed
before me this 8th
day of May, 2001



NOTARIAL SEAL
DANIELLE BRADLEY, Notary Public
Lower Merion Twp., Montgomery County
My Commission Expires May 3, 2004

AAO 440 (Rev. 10/93) Summons in a Civil Action

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE 5/4/01
NAME OF SERVER (PRINT) GENNARO J. CATALANO	TITLE PROCESS SERVER

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: _____
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
Name of person with whom the summons and complaint were left: _____
- ☐ Returned unexecuted: _____
- ☒ Other (specify): SUBSERVED JOE ROGERS, AUTHORIZED AGENT
FOR CONRAIL

STATEMENT OF SERVICE FEES

DATE	SERVICES	TOTAL
------	----------	-------

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on

5/8/01

Date

Signature of Server

Gennaro J. Catalano

718 TWO BALA

BALA CUNWYD, PA.

19004

Address of Server

(1) A, to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

④
gm

**Attorney for Defendants,
Norfolk Southern Corporation,
t/a Norfolk & Western Railway Co. and
Consolidated Rail Corporation**

**TERRY BOYD WILKINSON and
SHARON WILKINSON, h/w**

CIVIL ACTION

v.

**NORFOLK SOUTHERN CORPORATION, :
t/a NORFOLK & WESTERN RAILWAY CO. :
and CONSOLIDATED RAIL CORPORATION :**

NO. 01-2151

FILED

MAY 15 2001

ENTRY OF APPEARANCE

MICHAEL E. KUNZ, Clerk

By m 4 Dep. Clerk

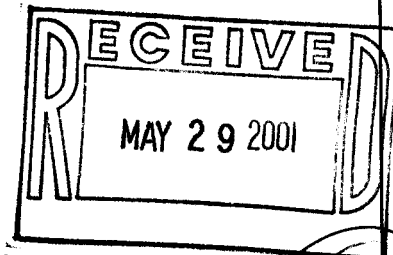
Kindly enter my appearance on behalf of Defendants, Norfolk Southern Corporation, t/a Norfolk & Western Railway Co. and Consolidated Rail Corporation in the above captioned matter.

Defendants, Norfolk Southern Corporation, t/a Norfolk & Western Railway Co. and Consolidated Rail Corporation demand a jury trial, jury of twelve with alternates is demanded.

HOHN & SCHEUERLE

By: 
RICHARD K. HOHN, ESQUIRE
MARYELLEN CONROY, ESQUIRE

EH
HOHN & SCHEUERLE
BY: RICHARD K. HOHN, ESQUIRE
Identification No.: 32528
BY: MARYELLEN CONROY, ESQUIRE
Identification No.: 73976
Eleven Penn Center
Suite 2901
1835 Market Street
Philadelphia, PA 19103
(215) 496-9995
Our File No.: 8500-21



Attorney for Defendants,
Norfolk Southern Corporation,
t/a Norfolk & Western Railway Co. and
Consolidated Rail Corporation

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

TERRY BOYD WILKINSON and
SHARON WILKINSON, h/w

FILED

CIVIL ACTION

v.

JUN 1 2001

MICHAEL E. AUM, Clerk

Dep. Clerk

NORFOLK SOUTHERN CORPORATION,
t/a NORFOLK & WESTERN RAILWAY CO.
and CONSOLIDATED RAIL CORPORATION :

NO. 01-2151

STIPULATION

TO THE CLERK OF COURT:

It is hereby agreed among counsel for plaintiff, Joseph A. Coffey, Jr., Esquire and counsel for defendant, Richard K. Hohn, Esquire that defendant may extend the time to answer Plaintiff's Complaint by thirty (30) days.

to June 30, 2001

JOSEPH A. COFFEY, JR., ESQUIRE
Attorney for Plaintiff

Coffey & Kaye
718 Two Bala Plaza
Bala Cynwyd, PA 19004
610-668-9800

RICHARD K. HOHN, ESQUIRE
Attorney for Defendants

Eleven Penn Center, Suite 2901
1835 Market Street
Philadelphia, PA 19103
215 496-9995

BY THE COURT:

del. 1. 1. del.
J.

5/31/01

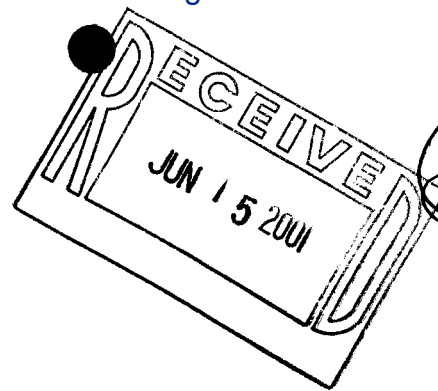
*5-4-01
PERSONAL
SERV*

*6-1-01
Coffey
Hohn*

*OK
MPC*

HOHN & SCHEUERLE
BY: RICHARD K. HOHN, ESQUIRE
Identification No.: 32528
BY: MARYELLEN CONROY, ESQUIRE
Identification No.: 73976
Eleven Penn Center
Suite 2901
1835 Market Street
Philadelphia, PA 19103
(215) 496-9995
Our File No.: 8500-21

Attorney for Defendants,
Norfolk Southern Corporation,
t/a Norfolk & Western Railway Co. and
Consolidated Rail Corporation



**IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TERRY BOYD WILKINSON and
SHARON WILKINSON, h/w

v.

NORFOLK SOUTHERN CORPORATION,
t/a NORFOLK & WESTERN RAILWAY CO.
and CONSOLIDATED RAIL CORPORATION :

CIVIL ACTION

FILED

JUN 18 2001

MICHAEL E. KUNZ, Clerk

By _____ **Dep. Clerk**

NO. 01-2151

STIPULATION TO VOLUNTARILY TRANSFER

TO THE CLERK OF COURT:

It is hereby agreed among counsel for plaintiff, Lawrence Katz, Esquire and counsel for defendant, Richard K. Hohn, Esquire that the above captioned matter is transferred to the Middle District of Pennsylvania.

LAWRENCE KATZ, ESQUIRE
Attorney for Plaintiff

Coffey & Kaye
718 Two Bala Plaza
Bala Cynwyd, PA 19004
610-668-9800

RICHARD K. HOHN, ESQUIRE
Attorney for Defendants

Eleven Penn Center, Suite 2901
1835 Market Street
Philadelphia, PA 19103
215 496-9995

BY THE COURT:

XC:J Coffey ENTERED
R. Hohn (Sax) JUN 19 2001

CLERK OF COURT

J.
6/18/01

2:01-cv-02151

RICHARD K. HOHN, Esq.
HOHN & SCHEUERLE
ELEVEN PENN CENTER
1835 MARKET STREET
SUITE 2901
PHILADELPHIA, PA 19103

tmo

FAX 215-496-9997

***** -COMM. JOURNAL- ***** DATE JUN-19-2001 TIME 09:12 *****

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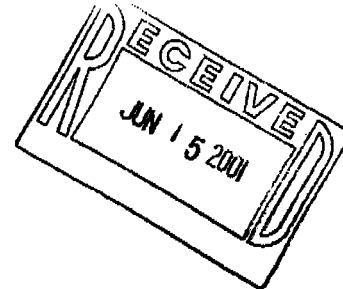
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HOHN & SCHEUERLE
BY: RICHARD K. HOHN, ESQUIRE
Identification No.: 32528
BY: MARYELLEN CONROY, ESQUIRE
Identification No.: 73976
Eleven Penn Center
Suite 2901
1835 Market Street
Philadelphia, PA 19103
(215) 496-9995
Our File No.: 8500-21



Attorney for Defendants,
 Norfolk Southern Corporation,
 t/a Norfolk & Western Railway Co. and
 Consolidated Rail Corporation

**IN THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TERRY BOYD WILKINSON and
SHARON WILKINSON, h/w

v.

NORFOLK SOUTHERN CORPORATION,
t/a NORFOLK & WESTERN RAILWAY CO.
and CONSOLIDATED RAIL CORPORATION :

CIVIL ACTION FILED

JUN 18 2001

MICHAEL E. KUNZ, Clerk

By _____ Dep. Clerk

NO. 01-2151

STIPULATION TO VOLUNTARILY TRANSFER

TO THE CLERK OF COURT:

It is hereby agreed among counsel for plaintiff, Lawrence Katz, Esquire and counsel for
 defendant, Richard K. Hohn, Esquire that the above captioned matter is transferred to the Middle
 District of Pennsylvania.

LAWRENCE KATZ, ESQUIRE
 Attorney for Plaintiff

Coffey & Kaye
 718 Two Bala Plaza
 Bala Cynwyd, PA 19004
 610-668-9800

RICHARD K. HOHN, ESQUIRE
 Attorney for Defendants

Eleven Penn Center, Suite 2901
 1835 Market Street
 Philadelphia, PA 19103
 215 496-9995

BY THE COURT:

ENTERED

JUN 19 2001

CLERK OF COURT

J.
 6/18/01